

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,
Plaintiff,
v.
A. JARAMILLO, et al.,
Defendants.

Case No. 1:20-cv-00661-NONE-EPG (PC)
ORDER GRANTING MOTION TO STAY
DISCOVERY AND MODIFY THE
SCHEDULING ORDER
(ECF NO. 76)

Plaintiff Mark Anthony Brown is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On September 28, 2021, Defendants filed a motion to stay discovery and to modify the scheduling order. (ECF No. 76). “This Motion is made on the grounds that: (1) Defendants’ motion for summary judgment for failure to exhaust administrative remedies will potentially dispose of the entire case; (2) the parties and the Court do not require additional information to decide the motion; and (3) the expenditure of resources required to conduct discovery and litigating a summary judgment motion on the merits will be needless if the Court finds that Plaintiff failed to exhaust his administrative remedies.” (*Id.* at 1-2). Defendants seek to vacate the discovery and dispositive motion deadlines pending resolution of their motion for summary judgment.¹ (*Id.* at 1; see ECF

¹ The Court understands the motion to request to vacate the *future* dispositive motions deadline of March 30, 2022, not any of the deadlines for filing opposition or reply briefs in support of the *current* motion for summary judgment on the issue of exhaustion. (See ECF No. 66). Under Local Rule 230(1),

No. 75).

The Court finds good cause to grant the motion. (ECF No. 76). Accordingly, IT IS ORDERED that all upcoming discovery and dispositive motion deadlines are vacated. (*See* ECF No. 66). However, the Court may reset the vacated deadlines, if warranted, prior to the resolution of Defendants' motion for summary judgment on the issue of exhaustion.

IT IS SO ORDERED.

Dated: September 29, 2021

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

Plaintiff has up to 21-days after service of Defendants' motion for summary judgment on the issue of exhaustion to file his opposition brief.